

E-Filed On

9/14/09

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

ZANTE, INC.

☐ Affects this Debtor.☒ Affects all Debtors.☐ Affects THE SANDS REGENT☐ Affects PLANTATION INVESTMENTS, INC.☐ Affects LAST CHANCE, INC.☐ Affects DAYTON GAMING, INC.☐ Affects CALIFORNIA PROSPECTORS, LTD.☐ Affects HERBST GAMING, INC.☐ Affects FLAMINGO PARADISE GAMING, LLC☐ Affects E-T-T, INC.☐ Affects MARKET GAMING, INC.☐ Affects THE PRIMADONNA COMPANY, LLC☐ Affects HGI LAKESIDE, INC.☐ Affects HGI ST. JO, INC.☐ Affects HGI MARK TWAIN, INC.☐ Affects CARDIVAN COMPANY☐ Affects CORRAL COIN, INC.☐ Affects CORRAL COUNTRY COIN, INC.☐ Affects E-T-T ENTERPRISES, LLC

HERBST GAMING, INC., a Nevada
 corporation; HGI LAKESIDE, INC., a Nevada
 corporation; HGI ST. JO, INC., a Nevada
 corporation; and MARK TWAIN, INC., a
 Nevada corporation,

Plaintiffs,

v.

Case No.: BK-N-09-50746-GWZ; Chapter 11
 Jointly Administered with:

| | |
|----------|-------------------------------|
| 09-50747 | The Sands Regent |
| 09-50748 | Plantation Investments, Inc. |
| 09-50749 | Last Chance, Inc. |
| 09-50751 | Dayton Gaming, Inc. |
| 09-50750 | California Prospectors, Ltd. |
| 09-50752 | Herbst Gaming, Inc. |
| 09-50753 | Flamingo Paradise Gaming, LLC |
| 09-50754 | E-T-T, Inc. |
| 09-50755 | Market Gaming, Inc. |
| 09-50756 | The Primadonna Company, LLC |
| 09-50757 | HGI Lakeside, Inc. |
| 09-50758 | HGI St. Jo, Inc. |
| 09-50759 | HGI Mark Twain, Inc. |
| 09-50760 | Cardivan Company |
| 09-50761 | Corral Coin, Inc. |
| 09-50762 | Corral Country Coin, Inc. |
| 09-50763 | E-T-T Enterprises, LLC |

Adv. No. 09-5041

STANDARD DISCOVERY PLAN

101323-022/753102

INSURCORP, a Nevada corporation; THE
LOOMIS COMPANY, a Pennsylvania
corporation; LOOMIS BENEFITS, INC., a
Nevada corporation; AIG LIFE INSURANCE
COMPANY, a Delaware corporation; DOES I
through X; and ROE CORPORATIONS A
through Z,

Defendants.

1. Discovery Plan

 Request for waiver of requirement to prepare and file a formal discovery plan.

The parties certify that all discovery can be completed formally, without the need of court intervention and in conformance of the Standard Discovery Plan, and that the matter will be ready for trial within 120 days, or

 X A discovery plan is needed or useful in this case. Check one:

 The parties agree to the standard discovery plan and scheduling order. The first defendant answered or otherwise appeared on . Discovery shall be completed within days, measured from the date the first defendant answered or otherwise appeared. Discovery will close by .

 X The parties jointly propose to the court the attached discovery plan and scheduling order. (Use Official Form 35 to the Federal Rules of Civil Procedure.)

 The parties cannot agree on a discovery plan and scheduling order. The attached sets forth the parties' disagreements and reasons for each party's position. (Use Official Form 35 of the Federal Rules of Civil Procedure.)

Complete parts 2 – 6.

2. Nature of the Case. Brief description of the nature of the case, i.e., dischargeability, denial of discharge, turn-over, contract, etc. This case involves (1) Turnover of Property To The Estate (11 U.S.C. § 542); (2) Professional Negligence/Negligence; (3) Breach of Contract; (4) Negligent Misrepresentation; (5) Breach of Fiduciary Duty; (6) Declaratory Relief; (7) Money Had And Received; (8) Fraud In The Execution; and (9) Reformation of Contract.

3. **Jury Trials:** Check one:

☒ A demand for a jury trial has not been made.

☐ A demand for a jury trial has been made pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 7038, but one or more of the parties does not consent to a jury trial pursuant to 28 U.S.C. § 157(e).

☐ It is expressly understood by the undersigned parties they have demanded a jury trial pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 7038, and have consented to a jury trial pursuant to 28 U.S.C. § 157(e).

An original and two (2) copies of all instructions requested by either party shall be submitted to the clerk for filing on or before _____.

An original and two (2) copies of all suggested questions of the parties to be asked of the jury panel by the court on *voir dire* shall be submitted to the clerk for filing on or before _____.

4. **Additional Pleadings.** Are there any counterclaims, cross claims or amendments to the pleadings expected to be filed?

☐ Yes
☒ No

5. **Settlement Conference.**

☐ A settlement conference is requested.

If checked, a settlement conference is requested no earlier than _____.

☒ Settlement cannot be evaluated prior to additional discovery. The parties may later request a settlement conference. However and as set forth in the attached Form 35, the parties have agreed to produce initial documents which may assist them in determining whether an early mediation is warranted.

6. **Trial.**

The case should be ready for trial by March 15, 2011 and should take 10 day(s).

7. All parties (consent/do not consent) to this court entering final judgment. (Circle One).

Dated:

9/14/09

Dated:

GORDON SILVER

DUANE MORRIS, LLP

By

GERALD M. GORDON, ESQ.

By

DOMINICA C. ANDERSON, ESQ.

Nevada Bar No. 229

Nevada Bar No. 2988

JOSEPH S. KISTLER, ESQ.

RYAN A. LOOSVELT

Nevada Bar No. 3458

Nevada Bar No. 8550

LEIGH C. DAVIS, ESQ.

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Nevada Bar No. 8998

Las Vegas, NV 89106

3960 Howard Hughes Pkwy., 9th Floor

Attorney for Defendant, AIG Life Insurance
Company

Las Vegas, NV 89169

Attorneys for Plaintiff

Dated:

Dated:

LIPSON NIELSON COLE
SELTZER & GARIN, P.C.

CHRISTIAN, KRAVITZ, DICHTER &
JOHNSON, LLC

By

JOSEPH P. GARIN, ESQ.

By

MARTIN J. KRAVITZ, ESQ.

Nevada Bar No. 6653

Nevada Bar No. 83

SHANNON D. NORSTROM, ESQ.

GINA MUSCHMECHE-BURAS, ESQ.

Nevada Bar No. 8211

Nevada Bar No. 10411

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MICHAEL B. LEE, ESQ.

Las Vegas, NV 89117

Nevada Bar No. 10122

Attorneys for Defendant, Insurcorp

8985 S. Eastern Avenue, Suite 200

Las Vegas, NV 89123

Attorney for Loomis Defendants

7. All parties (consent/do not consent) to this court entering final judgment. (Circle One).

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Attorney for Defendant, AIG Life Insurance
Company

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RYAN A. LOOSVELT
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Attorney for Defendant, AIG Life Insurance
Company

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Attorney for Loomis Defendants

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Las Vegas, NV 89106
Attorney for Defendant, AIG Life Insurance
Company

Dated:

Dated:

9/8/09

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CHRISTIAN, KRAVITZ, DICHTER &
JOHNSON, LLC

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DISTRICT OF NEVADA

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☐ Affects this Debtor.☒ Affects all Debtors.☐ Affects THE SANDS REGENT☐ Affects PLANTATION INVESTMENTS, INC.☐ Affects LAST CHANCE, INC.☐ Affects DAYTON GAMING, INC.☐ Affects CALIFORNIA PROSPECTORS, LTD.☐ Affects HERBST GAMING, INC.☐ Affects FLAMINGO PARADISE GAMING, LLC☐ Affects E-T-T, INC.☐ Affects MARKET GAMING, INC.☐ Affects THE PRIMADONNA COMPANY, LLC☐ Affects HGI LAKESIDE, INC.☐ Affects HGI ST. JO, INC.☐ Affects HGI MARK TWAIN, INC.☐ Affects CARDIVAN COMPANY☐ Affects CORRAL COIN, INC.☐ Affects CORRAL COUNTRY COIN, INC.☐ Affects E-T-T ENTERPRISES, LLC

HERBST GAMING, INC., a Nevada corporation; HGI LAKESIDE, INC., a Nevada corporation; HGI ST. JO, INC., a Nevada corporation; and MARK TWAIN, INC., a Nevada corporation,

Plaintiffs,

v.

Case No.: BK-N-09-50746-GWZ; Chapter 11
 Jointly Administered with:

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| 09-50759 | HGI Mark Twain, Inc. |
| 09-50760 | Cardivan Company |
| 09-50761 | Corral Coin, Inc. |
| 09-50762 | Corral Country Coin, Inc. |
| 09-50763 | E-T-T Enterprises, LLC |

Adv. No. 09-5041

REPORT OF PARTIES' PLANNING MEETING

101323-022/753127

INSURCORP, a Nevada corporation; THE LOOMIS COMPANY, a Pennsylvania corporation; LOOMIS BENEFITS, INC., a Nevada corporation; AIG LIFE INSURANCE COMPANY, a Delaware corporation; DOES I through X; and ROE CORPORATIONS A through Z,

Defendants.

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on August 27, 2009 at 10:00 a.m. to arrange for the disclosures required by Fed. R. Civ. P. 26(a)(1), to develop a proposed discovery plan and scheduling order, and to discuss the possibility and/or desirability of an early mediation in this case. The meeting was attended by:

Leigh C. Davis, Esq. for Plaintiffs Herbst Gaming, Inc., HGI Lakeside, Inc., HGI St. Jo, Inc., and Mark Twain, Inc. (collectively, "Plaintiffs");

Joseph P. Garin, Esq. and John McMillan, Esq. for Defendant Insurcorp;

Gina M. Mushmeche-Buras, Esq. and Michael Lee, Esq. for Defendants The Loomis Company and Loomis Benefits, Inc.; and

Dominica C. Anderson, Esq., appearing telephonically, for Defendant AIG Life Insurance Company.

2. **Pre-discovery Disclosures.** The parties have exchanged or otherwise will exchange the information required by Fed. R. Civ. P. 26(a)(1), made applicable by Federal Rule of Bankruptcy Procedure 7026, not later than fourteen (14) days after the Fed. R. Civ. P. 26(f) meeting, or September 10, 2009.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects: the allegations supporting the claims set forth in the Plaintiffs' Complaint and the affirmative defenses raised by each Defendant's Answer to the Complaint.

However, the parties have agreed that certain minimal discovery be completed as soon as

1 possible in order to ascertain whether a mediation before a neutral party familiar with insurance
2 coverage issues would be productive. To this end, the parties have agreed to provide certain
3 initial documents within the next two-three weeks, and have begun considering possible
4 mediators.

5 In the event that it is determined that a mediation would not be productive at this early
6 stage, or that any mediation is not successful, and full discovery is necessary, the parties agree
7 that:

8 All discovery will be completed by September 1, 2010. An extended discovery deadline
9 is necessary, given the anticipated number of depositions to be taken, many if not most of which
10 involve out-of-state witnesses.

11 Each parties shall be allowed a maximum of forty (40) interrogatories to any other party,
12 with responses due 30 days after service.

13 Each party shall be allowed a maximum of forty (40) requests for admission to any other
14 party, except requests for admissions with respect to authentication of documents, with responses
15 due thirty (30) days after service.

16 Each party shall be allowed a maximum of fifteen (15) depositions by Plaintiffs and
17 twelve (12) depositions by each Defendant. Each deposition will be limited to a maximum of
18 twelve (12) hours unless extended by agreement of the parties.

19 Reports from retained experts of either party under Fed. R. Bankr. P. 7026(a)(2) are due
20 ninety (90) days before the date of trial, and reports of rebuttal experts shall be due thirty (30)
21 days after receipt of the initial report(s).

22 Supplementation of information provided pursuant to Fed. R. Bankr. P. 7026(e) must be
23 made within twenty (20) days after discovery of the information.

24 4. Other Items.

25 The parties request a conference with the court before entry of the scheduling order. A
26 Scheduling Conference is currently set for September 23, 2009 at 9:00 a.m.

27 The parties request a pretrial conference in January 2011.

28 ...

1 ...

2 Plaintiffs and Defendants should be allowed until June 3, 2010 to join additional parties
3 and amend their pleadings. Cross-claims may be filed as provided by law.

4 All potentially dispositive motions should be filed no later than sixty (60) days before
5 trial.

6 Settlement cannot be evaluated prior to the conduct of discovery. The parties may
7 request a settlement conference at a later time.

8 Final lists of witnesses and exhibits under Fed. R. Bankr. P. 7026(a)(3) are due fourteen
9 (14) days prior to trial.

10 Parties shall have seven (7) days after service of the opposing party's final witness and
11 exhibit list served pursuant to Fed. R. Bankr. P. 7026(a)(3) to object pursuant to Fed. R. Bankr.
12 P. 7026(a)(3).

13 An original and two (2) copies of all instructions requested by either party, and any briefs
14 in support thereof, shall be submitted to the clerk for filing on or before fourteen (14) days before
15 trial. An original and two (2) copies of objections to instructions requested, and any briefs in
16 support thereof, shall be submitted to the clerk for filing on or before seven (7) days before trial.

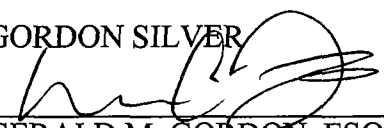
17 All other deadlines not set forth herein shall be governed by the Local Rules.

18 The case should be ready for trial by March of 2011 and at this time is expected to take
19 ten (10) days.

20 Dated this 14th day of September, 2009.

21 GORDON SILVER

DUANE MORRIS, LLP

22 By 
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Attorney for Defendant, AIG Life Insurance
Company

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7 request a settlement conference at a later time.

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9 (14) days prior to trial.

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11 exhibit list served pursuant to Fed. R. Bankr. P. 7026(a)(3) to object pursuant to Fed. R. Bankr.
12 P. 7026(a)(3).

13 An original and two (2) copies of all instructions requested by either party, and any briefs
14 in support thereof, shall be submitted to the clerk for filing on or before fourteen (14) days before
15 trial. An original and two (2) copies of objections to instructions requested, and any briefs in
16 support thereof, shall be submitted to the clerk for filing on or before seven (7) days before trial.

17 All other deadlines not set forth herein shall be governed by the Local Rules.

18 The case should be ready for trial by March of 2011 and at this time is expected to take
19 ten (10) days.

20 Dated this 10 day of September, 2009.

21 GORDON SILVER

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11 Attorneys for Defendant, Insurcorp
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